

APPEAL NO. 032640  
FILED NOVEMBER 24, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 20, 2003, and September 9, 2003, with the record closing on September 9, 2003. With respect to the issues before him, the hearing officer determined that the respondent's (claimant) compensable injury of \_\_\_\_\_, does not include an injury to the claimant's cervical and lumbar spine, and that the claimant had disability, as a result of her compensable injury, from July 18, 2002, through the date of the hearing. In its appeal, the appellant (carrier) argues that the hearing officer's disability determination is against the great weight of the evidence. In her response to the carrier's appeal, the claimant urges affirmance. The claimant did not appeal the determination that her compensable injury did not include an injury to her cervical and lumbar spine and that determination has become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability from July 18, 2002, through the date of the hearing as a result of her \_\_\_\_\_, compensable injury. That issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained her burden of proving that she had disability from July 18, 2002, through the date of the hearing. The disability determination is supported by the claimant's testimony and the medical evidence from Dr. Wardlay (Dr. W) and Dr. McConnell (Dr. M). The factors emphasized by the carrier in challenging the hearing officer's disability determination on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in resolving the issue before him. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIRE AND CASUALTY INSURANCE COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge